

TOWN OF UNION

Monthly Board Meeting

Minutes of February 4, 2010

The Town of Union Monthly Board Meeting was called to order on **Thursday, February 4, 2010 at 7:00 p.m.** at 7:00 by Chairman Kendall Schneider. Attendees included Supervisors George Franklin and Don Krajeck, Treasurer Sharon Franklin, Clerk Regina Ylvisaker, Constable Kim Gruebling, Building Inspector Bob Fahey, Town Attorneys Matt Dregne and Elisabeth Howard. The Pledge of Allegiance was recited.

Clerk's minutes (January 7 and January 19, 2010)

Motion to accept the minutes of January 7 and January 19, 2010 as written made by George Franklin. Second by Don Krajeck. Motion carried by unanimous voice vote.

Treasurer's report

Treasurer Sharon Franklin reported balances as of January 31, 2010:

Local Gov't Investment Pool General Fund	\$	0.00
Park and Recreation Fund	\$	12,398.13
UB&T Money Market Sweep Account	\$	864,502.20
Of Which \$0 is Contingency Fund, And \$5,000 is Re-Valuation Fund		
UB&T Checking Account	\$	10,000.00
Leedlemill Bridge CD	\$	18,322.04
Wayne Disch Memorial Park Fund	\$	1,838.04
Morning Ridge Stub Road CD	\$	19,739.88
Escrow Accounts:		
Robert Janes/Bakers Crossing	\$	813.77

Constable's report

Constable Kim Gruebling reported receiving no calls during the month of January. Reported that the contract with the Rock County Humane Society is apparently not settled; Gruebling requests that the Board settle the issue so he doesn't have problems with not having a place to take animals. Kendall Schneider will call the Humane Society and check on the status of the contract and any issues.

Building Inspector's report

Building Inspector Bob Fahey reported issuing the following permits during January:

Date	Permit #	Name	Address	Description	Construction Cost	Permit Fee
1.2.10	10-1-B	James O'Brien	7110 N Hwy 104	Remodel basement	\$ 10,000.00	\$ 120.00
1.9.10	10-2-B	Don Krajeck	17801 W Kyle Rd	Demolition of 20x40 shed and 20x24 corn crib		\$ 60.00

Public Comment

Schneider noted that the Robinson farmstead, currently owned by Jim and Cathy Bembinster, has been entered in National and State Registers of Historical Places.

Snowplowing

Schneider reported receiving a request from Rock County for a special meeting at the Rock County Public Works Department regarding the routine road maintenance agreement and to “discuss continuation of agreement with Town into the future.” Apparently other towns are having meetings with the County on the same day as well. Union is scheduled for February 11, 2010 at 9:30 a.m.

The Town is considering a referendum question regarding snowplowing, specifically regarding the options of the Town purchasing their own snowplowing equipment or contracting with a private contractor to handle the work. The Town Board will be meeting with the Town of Center on February 10 to see what Al Miller/Footville Trucking can do as a private contractor for plowing. Will have a better idea of costs involved in the two options following the February 10 meeting. Don Krajeck noted that all of the alternatives to our current contract with the County are more costly, but would possibly allow the Town to provide better service.

County Supervisor for Town of Union Ward 2, Al Sweeney, was in attendance and spoke. He plans to attend the meeting with Rock County Public Works, at the request of Supervisor Franklin. Sweeney noted that there are a lot of issues going on now within the County, and in his opinion he believes that the Public Works Committee would like the Towns to bear the brunt of the Public Works Budget. The County is being pressured by the State to set their priorities on the interstate, and the County is suffering from a lack of funds - as are all municipalities and government agencies. Currently 8 or 9 positions are open at Public Works and have not been filled, and may not be. They have also had some equipment problems. However, the combination of the magnitude of the December storm and Public Works Director's letter around the same time was both bad timing and bad judgment. Sweeney thinks the reorganization planned for April may change the Public Works Committee makeup; currently the Committee Chair appoints the Committee members. Sweeney noted that a portion of the Town's tax levy will go to Public Works no matter what.

Board Discussion/Action: Request to Change Teresa Lane from Private Road to Public Road

Schneider reviewed the letter submitted by Mike and Nikki Kipp on Teresa Lane, requesting the road be changed from private road to public county (Town) road. Schneider noted that the development of Teresa Lane and the surrounding area took place over many years, and it was not necessarily developer Jeff Trumpy's fault that the road ended up as a private road. Schneider outlined the Kipp's reasons for changing the road:

- Improve the desirability of the three empty lots to prospective buyers which would increase the tax base for the Town
- With the road being less than 1/10 of a mile the cost to maintain the road during the winter would be minimal
- The road should not need to be resurfaced for over 30 years due to the light traffic that a cul-de-sac receives from small passenger automobiles
- The road was built to meet the requirements needed to be a public road including the size of the circle which does allow large vehicles to turn around

Schneider reviewed the minutes of the February 4, 1999 Town Board meeting, at which the road was discussed. He was unable to find any other information regarding the road, but believes the private road designation occurred in 2002 or 2003. The Town currently has one other private road, which is very short. The Kipps stated they have received no response from the Bank of Monticello, which now owns the other three lots on the cul-de-sac, regarding their responsibility for snow removal, and reimbursement for a portion of costs the Kipps have incurred thus far this year for snow removal. Kipps noted that with the very small amount of traffic the road receives, there is no reason the road should not last at least 30 years. The Town Engineer has inspected the road and it is up to required standards.

Franklin would rather have the road remain a private road for now, and if something changes in the future then possibly revisit the issue. Krajeck believes the snow removal reimbursement issue is not a Town issue, instead is a private matter between land owners. The Kipps biggest concern is safety, and the possibility of the road being inaccessible for emergency services. They understand that costs would be incurred by the Town as a result of making the road a Town road, but the tax base increase generated by the homes built on the lots on the road would be more than the costs of maintaining the road. The Kipps estimate the tax base would generate \$25,000 over 10 years. Schneider stated he can go either way on the issue. Krajeck feels that from the Town's point of view, it will make things simpler in the long run if it's a Town road. He believes that private roads servicing multiple residences are a bad idea.

Motion to accept Teresa Lane as a Town road with a Town Engineer statement certifying it meets required standards for a Town road made by Don Krajeck. Second by George Franklin. Attorney Matt Dregne noted that the road is currently private property, and approval from all landowners will be needed before the land can be deeded over to the town. Costs will be incurred related to this, including surveying, warranty deed preparation and recording, etc. Motion to amend original motion to include approval being contingent upon landowners covering all costs associated with the transfer of the property to the Town made by Don Krajeck. Second by George Franklin.

Roll call: Kendall Schneider – Yes; George Franklin – No; Don Krajeck – Yes. Motion carried 2-1.

A Sheriff's Deputy from Rock County was in attendance to address any citizen concerns; there were none. The Deputy stated that most of their Department's problems lately have been slide offs. Reminder to lock car and home doors, and secure property. Being proactive in these areas prevents problems from occurring.

Board Action: Approval of Draft Developers Agreement as Recommended by Plan Commission

The agreement has been reviewed by legal counsel and they made only minimal changes. Motion to approve preliminary developer's agreement as recommended by the Plan Commission and with changes noted by legal counsel made by Kendall Schneider. Second by Don Krajeck. Motion carried by unanimous voice vote.

Board Action: Adoption of Future Land Use Map as Proposed by EUIC and Recommended by Plan Commission

The map was recommended for approval at the January 28 Plan Commission meeting. Krajeck noted that the urban service area goes beyond even some of the current Town subdivisions. Krajeck doesn't believe that the City's Common Council has voted on the map, but will be in the near future. Schneider thinks a joint meeting between the City and the Town to approve the

map would have been a good idea. Franklin noted that there were a lot of questions, gray areas discussed at the Plan Commission meeting, and agrees with Schneider that a joint meeting with the City would still be a good idea. Krajeck is agreeable to coordinating setting up a joint meeting with the City, in order to get the approval process finalized.

Motion to schedule a joint meeting with the Evansville Common Council to discuss and adopt the EUIC future land use map made by Kendall Schneider. Second by George Franklin. Dregne suggested the Town should think about the end goal of the map; is it the Town's understanding that this map would become part of the Town's comp plan? Yes. If so, a process needs to be followed, including adopting an ordinance, legal notices, etc. Renee Exum believes that the Plan Commission is looking for feedback on the map, so it can be included in the final list of recommended comp plan revisions. Dregne noted that comp plans have more legal significance now, after legislation passed effective January 1, 2010, than they used to so the importance of the plan is more significant. Both Evansville and Union will need to follow the same processes to amend their comp plans, including recommendations from their Plan Commissions, public participation, and ordinances to amend their comp plans. Krajeck states the EUIC voted to approve the map and present to both bodies, City and Town. Any changes made will have to be brought back to the EUIC for review and for their acceptance of the changes. Dregne feels that no action is needed tonight; if the map were adopted tonight it would not be amending the Town's comp plan and instead would be creating more confusion. "Motion to recommend to the Plan Commission that they include the map recommended by the EUIC in their final list of comp plan amendments" is a possible motion suggested by Dregne. Motion to amend original motion to remove the words "and adopt" from the language made by Kendall Schneider. Second by George Franklin. Motion carried by unanimous voice vote. Krajeck will talk to the City regarding setting up a meeting.

Operator License Approval Process Discussion

Clerk Ylvisaker requested that in the interest of time, the issue be tabled until the March Town Board meeting. Agreed.

Operator License Approval: Jean Jenner, Geneo's Red Barn

Motion to approve operator license for Jean Jenner, Geneo's Red Barn, contingent upon receipt of responsible beverage server training certificate made by Don Krajeck. Second by George Franklin. Motion carried by unanimous voice vote.

Recycling Center Update

Jerry Krueger reported no problems at the center. Krueger noted that a transmission and gas tank has been dumped in the drainage ditch on the Union side of Weary Road, and is sitting in the water. Franklin will take care of removal.

Working Lands Initiative Discussion

Lis Howard from Stafford Rosenbaum distributed review of the new law she prepared. She reviewed the new law, which completely overhauls the prior Wisconsin farmland preservation law. The Town might want to amend their ordinance to take advantage of the new legislation. State statute requires no minimum size for A1 parcels. Land zoned out of A1 now incurs significant conversion fees, which will be enforced, and must be paid by whomever initiates the rezoning. Regarding recordkeeping requirements, any land rezoned out of A1 the Town will have to report to the State and County annually. The law allows for some residential development on some A1 land without rezoning, but to do this the Town would need to amend their ordinance and identify base farm tracts, and create a related map. Once a map is established and an ordinance certified, they will never change. Within one base farm tract, up

to 4 non-farm parcels are allowed, but the acreage ratio to the base farm tract cannot exceed 1:20. This can be done by the landowner without rezoning.

Al Sweeney, County Supervisor, was in attendance and added to the discussion. He noted that the Town's farmland preservation map should be consistent with their smart growth map and they should both be updated at the same time. Towns still have land division authority, and can still set minimum lot size requirements, and do not have to incorporate the 1:20 ratio size. Collecting conversion fees will be the Town's biggest responsibility.

Exum asked if the Town has the authority to assess their own fees, in addition to conversion fees, to cover legal and engineering costs. Howard is unsure, and will look into it.

Regarding residential density controls, Exum asked if the town can require a higher ratio than 1:20. Howard clarified that the Town can be more restrictive than the State laws, but not less restrictive. Gruebling stated his concern was the high cost of mapping out base farm tracts as well as how the concept will work with our smart growth plan. Howard clarified that the Town does not have to do the base farm tracts mapping, and can leave lot size restrictions as is. However, the Town does have to comply with the ag use conversion fees and related issues and reporting requirements.

Dregne suggested that the Town consider its big policy questions, such as allowing more density for development in A1 areas. To encourage agricultural preservation in a specific area, the Town can work with landowners to develop agricultural enterprise areas. Krajeck asked if a group of landowners wants to form an agricultural enterprise area, do all the parcels of all landowners have to be included, or can they include only some of their parcels. Sweeney explained the requirement was a minimum of 5 landowners, 1,000 acres contiguous. Landowners can opt out portions of their land.

The Plan Commission would like to schedule a meeting with a representative from Rock County, the Town Board, Plan Commission, and Town Engineer to review the program again and gain a full understanding of it. Ylvisaker will schedule the meeting.

Cavalier Village Status Report/Board Action**

Motion for the Board to move into closed session following the payment of bills made by Kendall Schneider. Second by George Franklin. Roll call: Kendall Schneider – Yes; George Franklin – Yes; Don Krajeck – Yes. Motion carried 3-0.

Phelps Pit CUP Status Report/Board Action**

Pay Bills

Motion to return to open session made by Kendall Schneider. Second by Don Krajeck. Motion carried by unanimous voice vote.

Motion to adjourn made by Don Krajeck. Second by Kendall Schneider. Motion carried by unanimous voice vote. Meeting adjourned at 10:26 pm.

Respectfully submitted by Clerk Regina Ylvisaker.

Note: minutes are considered draft until reviewed and approved by the Town Board at a properly noticed meeting.